



COUNTY BOARD OF ADJUSTMENT
YELLOWSTONE COUNTY, MONTANA
Thursday, March 13, 2014

SUBJECT: Variance #267 – To Use Land Contrary to Zoning – 501 Johnson Lane – Lockwood Fire Department

THROUGH: Candi Millar, AICP, Planning Director

FROM: Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

This item is being brought to the Board of Adjustment for a Public Hearing to allow the Lockwood Rural Fire District #8, a public agency, to construct a new fire station in a Residential 9,600 (R-96) zone on a 3.172 acre parcel of land legally described as Lot 1 in the Lockwood Fire Department Subdivision. The proposed project is contrary to the zoning district regulations for the proposed use. The Lockwood Fire Department constructed a storage barn on the property after holding a hearing before the County Board of Adjustment on November 10, 2011. The authority to use public land by a public agency contrary to local zoning is shown on the attached copy of MCA 76-2-402 (page 2).

State statute allows public agencies to use land contrary to zoning after a Public Hearing is held by the local Board of Adjustment. As illustrated in MCA 76-2-402(2), the Board shall have no power to deny the proposed use but shall act only to allow a public hearing for comment on the proposed use.

APPLICATION DATA

OWNER: Lockwood Rural Fire District #8

AGENT: Brian Johnson, Collaborative Design Architects

PURPOSE: To allow the construction of a 21,000 square foot fire station and associated facilities and parking lots.

LEGAL DESCRIPTION: Lot 1, Lockwood Fire Department Subdivision

ADDRESS: 501 Johnson Lane

SIZE OF PARCEL: 3.172 acres

EXISTING LAND USE: Storage facility

PROPOSED LAND USE: Same with fire station and facilities

EXISTING ZONING: R-96

CONCURRENT APPLICATIONS

None

SURROUNDING ZONING & LAND USE

NORTH: Zoning: R-96
Land Use: single family home

SOUTH: Zoning: R-50

EAST: Land Use: Single family dwelling and proposed two-family dwellings
Zoning: R-96
Land Use: Pasture
WEST: Zoning: RMH
Land Use: Emerald View Manufactured Home Park

REASONS

This is a request from the Lockwood Fire Department to construct a new fire station and facilities. In 2011, the Department conducted a previous public hearing before the Board of Adjustment to construct the storage barn on the north east corner of this lot. This public hearing is to allow public comment on the remaining fire station project and facilities. This is a land use contrary to zoning and is allowed by state statute MCA 76-2-402 after a Public Hearing is held before the local Board of Adjustment. State law does not give the authority to the Board of Adjustment to approve or deny the request but does allow the Board to receive public comment on the use.

State Statute

76-2-401. Definitions. As used in [76-2-402](#), the following definitions apply:

(1) "Agency" means a board, bureau, commission, department, an authority, or other entity of state or local government.

(2) "Local zoning regulations" means zoning regulations adopted pursuant to Title 76, chapter 2.

History: En. Sec. 1, Ch. 397, L. 1981.

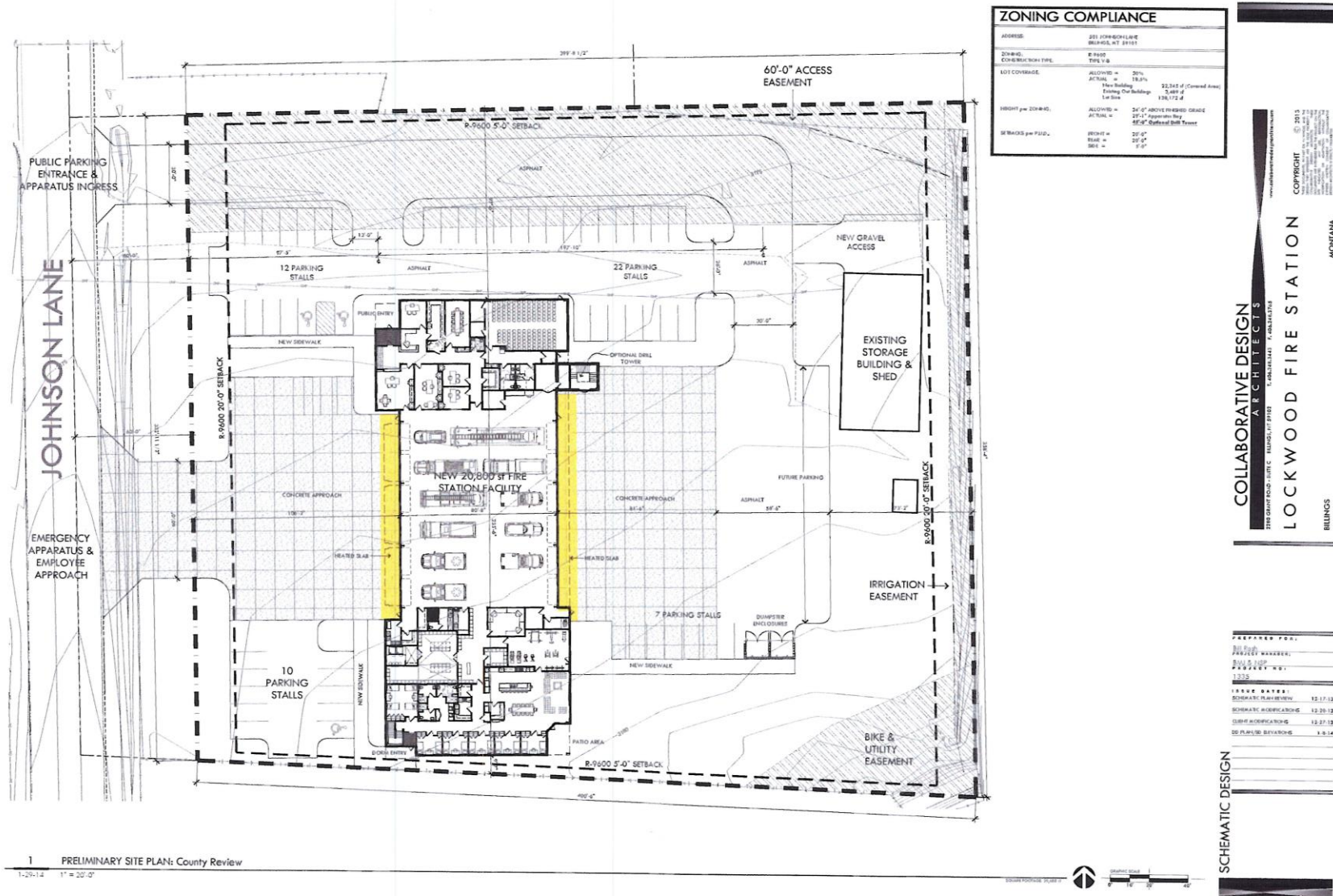
76-2-402. Local zoning regulations – application to agencies. Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held.

(1) The local board of adjustments, as provided in this chapter, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.

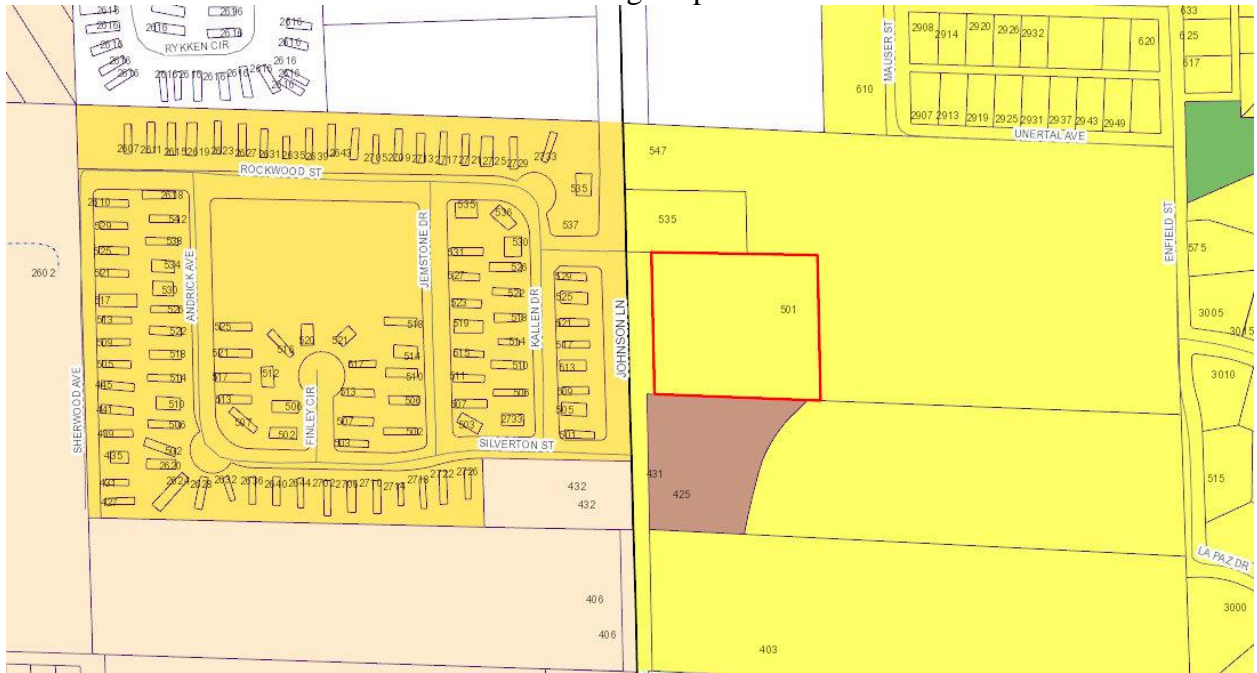
(2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

History: En. Sec. 2, Ch. 397, L. 1981.

Site Plan – Proposed Fire Station and facilities



Zoning Map



Subject Property



Subject property



View east from Johnson Lane



View south along Johnson Lane



View west across Johns Lane – Emerald View neighborhood



View north along Johnson Lane

Applicant's Letter

APPLICATION FORM
COUNTY Land Use Contrary to Zoning ID: County Variance # 267 - Project # p2-14-0038

The undersigned as owner(s) of the following described property hereby request a Public Hearing on a Land Use Contrary to Zoning from the terms of the City of Billings-Yellowstone County Unified Zoning Regulations.

TAX ID # C14584 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Lockwood Fire Department Subdivision, S30, T01 N, R27E, Lot 1

Address or General Location (If unknown, contact County Public Works): 501 Johnson Lane
Billings, MT 59101

Zoning Classification: R-9600

Size of Parcel (Area & Dimensions): 3.172 acres... North to South averages approximately 332'
East to West distance averages approximately 400'

Covenants or Deed Restrictions on Property: Yes X No

If yes, please attach to application

Brief explanation of the Project:

A new 21,000 square foot Fire Station facility for the community of Lockwood. This facility will include an apparatus bay capable of storing 12 fire response vehicles, a dorm/living quarter wing, an office/admin. wing, a drill tower, and community conference room. The building's construction will be dominantly a metal building structure, with framed components integrated within. The department has coordinated approach design with Tim Miller at the County.

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Lockwood Rural Fire District #8
(Recorded Owner)
3329 Driftwood Lane Billings, MT 59101
(Address)
406-252-1460 brash@lockwoodfire.com
(Phone Number) (email)

Agent(s): Brian M. Johnson
(Name)
2280 Grant Road Suite C, Billings, MT 59102
(Address)
406-248-3443 brian@collaborativedesignarchitects.com
(Phone Number) (email)

I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 1-29-14
(Recorded Owner)

FEB 3 - 2014